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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,867	03/15/2001	Michael John Bradley Kutryk	1133279-0003	5578

7470 7590 01/29/2003

WHITE & CASE LLP
PATENT DEPARTMENT
1155 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

EXAMINER

CHATTOPADHYAY, URMI

ART UNIT PAPER NUMBER

3738

DATE MAILED: 01/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

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11

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Commissioner of Patents and Trademarks

Please see attached.

Election/Restrictions

Applicant's election with traverse of Group I (medical device), 1a (medical device is stent), 2e (matrix is fullerene), and 3e (meant to be g; antibody attachment is covalent), claims 1-17 and 41-55 in Paper No. 10 is acknowledged. The grounds for the traversal are found persuasive. Therefore, the restriction requirement for Groups I-IV is withdrawn.

Applicant did not traverse the legitimacy of the species requirement. Therefore, the requirement is still deemed proper and is therefore made FINAL. In addition to the species elections of the medical device (stent), matrix (fullerene) and antibody attachment (covalent) applicant must also elect from the following species [ex. 1b (vein) *and* 2a (noncovalently)]:

1) Vessel Type

- ☒ a) artery
- b) vein

2) Matrix Attachment

- a) noncovalently
- ☒ b) covalently

The Response to Restriction Requirement filed on 11/12/02 is considered non-responsive because applicant did not identify which claims are readable on the elected *species* and *subspecies*. This identification of claims requirement was clearly stated in the restriction/election as follows:

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of **all claims** readable

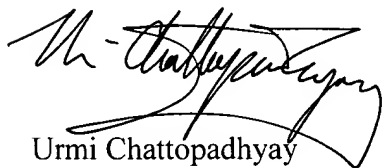
Art Unit: 3738

thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

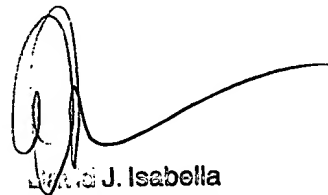
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Urmi Chattopadhyay whose telephone number is (703) 308-8510 and whose work schedule is Monday-Friday, 9:00am – 6:30pm with every other Friday off. The examiner's supervisor, Corrine McDermott, may be reached at (703) 308-2111. The group receptionist may be reached at (703) 308-0858.

Should the applicant wish to send a fax for official entry into the file wrapper the Group fax number is (703) 305-3590. Should applicant wish to send a fax for discussion purposes only, the art unit fax number is (703) 308-2708.



Urmi Chattopadhyay

Art Unit 3738



David J. Isabella
Primary Examiner

uc

January 27, 2003